

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VINO 100, LLC, et al. : CIVIL ACTION
:
v. :
:
SMOKE ON THE WATER, LLC, et al. : NO. 09-4983

ORDER

AND NOW, this 1st day of July, 2011, for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

(1) the motions of plaintiff VINO 100, LLC and The Tinder Box International, Ltd. to dismiss the counterclaim of defendants Thomas and Jane Slaterbeck and Smoke on the Water, LLC are GRANTED in part and DENIED in part;

(2) the motions of plaintiffs VINO 100, LLC and The Tinder Box International, Ltd. to dismiss Count I of the counterclaim are GRANTED except to the extent Count I states a claim for breach of contract for the failure of VINO 100 and Tinder Box to provide Smoke on the Water, LLC and Thomas and Jane Slaterbeck with an operations manual and promotional materials;

(3) the motions of plaintiffs VINO 100, LLC and The Tinder Box International, Ltd. to dismiss Counts II, III, IV, V, and IX of the counterclaim are GRANTED; and

(4) the motions of plaintiffs VINO 100, LLC and The
Tinder Box International, Ltd. to dismiss Count VII of the
counterclaim are DENIED.

BY THE COURT:

/s/ Harvey Bartle III
J.